

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN OF PENNSYLVANIA**

**IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
LITIGATION**

**No. 12-md-2323 (AB)**  
**MDL No. 2323**

**THIS DOCUMENT RELATES TO:  
DUERSON**

**AFFIDAVIT OF THOMAS A. DEMETRIO**

I, Thomas A. Demetrio, being first duly sworn on oath, depose and state:

1. Affiant is one of the attorneys for the Estate of Dave Duerson and other plaintiffs in this litigation.
2. While affiant continues to wait for a ruling on Duerson's Second Motion requesting settlement data, and fully appreciates that tomorrow the Special Master will be releasing certain data as recently ordered by this Court, he nevertheless believes that since time is of the essence he needs to make this admittedly rare request in light of the following:
  - a) Meaningful and informative communication between Mr. Seeger and the majority of other attorneys representing thousands of clients has been virtually non-existent. The primary reason is Mr. Seeger's repeated refrain that this Court has placed a "gag order" on him.
  - b) Affiant has been attempting, to no avail, since January 2014 to acquire important settlement data for the benefit of all who will be affected. (ECF No. 5686, 6102). Affiant has always believed that the *timely* receipt of this data was required to help lawyers and

their clients make the important decision of whether to either opt out or object to the negotiated settlement.

c) The October 14, 2014 deadline for opting out or objecting is looming, and we still lack “an informed understanding of the dynamics of the settlement discussions and negotiations.” Indeed, we have zippo understanding.

3. 33 of 34 post-mortem neuropathological studies of former NFL players have demonstrated the existence of CTE.<sup>1</sup> Thus, statistically, countless former players will suffer from CTE in the future. In addition, the diagnosis of CTE in living former players is emerging and will be routine in the not so distant future.<sup>2</sup>

4. On Mr. Seeger’s firm’s website, he states:

Multiple medical studies have found direct correlation between football concussions and suffering from symptoms of chronic traumatic encephalopathy, also known as CTE. **CTE is believed to be the most serious and harmful disease that results from NFL and concussions.** CTE is a progressive degenerative disease that causes damage to the brain tissue and the accumulation of Tau Proteins. Tau proteins aid in the onset of dementia and have been linked to the development of Alzheimer’s disease. Symptoms of CTE include:

- Dementia
- Memory loss
- Depression
- Aggression
- And difficulty controlling impulses.<sup>3</sup>

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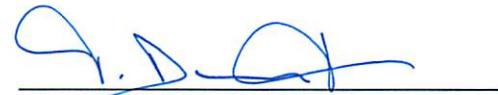
<sup>1</sup> Ann McKee et al., *The Spectrum of Disease in Chronic Traumatic Encephalopathy*, 136(1) *Brain* 43, 43-64 (2013), available at <http://brain.oxfordjournals.org/content/136/1/43.full.pdf>.

<sup>2</sup> Small GW et al., *PET Scanning of Brain Tau in Retired National Football League Players: Preliminary Findings*, 138, 138-144 (2013).

<sup>3</sup> Seeger Weiss LLP, *Up-To-Date Information on NFL Football Concussions*, <http://www.seegerweiss.com/football-concussions/>. (Emphasis added).

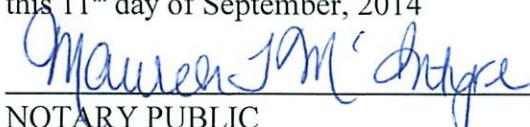
5. Given the discrepancy between what Mr. Seeger accurately states on his website and his actions of agreeing with the NFL to exclude CTE, “the most serious and harmful disease that results from NFL and concussions,” from any future consideration as it relates to former NFL players and their families, affiant believes it is important to question Mr. Seeger to learn (1) why he negotiated away for all time injury and wrongful death damages related to confirmed future cases of CTE; (2) why families will not recover money damages for a CTE-related death occurring prior to January 1, 2006; and (3) why families whose loved ones died between January 1, 2006 and July 7, 2014 have had their damages arbitrarily capped by Mr. Seeger and the NFL.

FURTHER AFFIANT SAYETH NOT.



Thomas A. Demetrio

SUBSCRIBED and SWORN to before me  
this 11<sup>th</sup> day of September, 2014



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NOTARY PUBLIC



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